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DANIEL BOGDEN
 United States Attorney
 333 Las Vegas Boulevard South
 Suite 5000
 Las Vegas, Nevada 89101

VIRGINIA CRONAN LOWE
 Trial Attorney, Tax Division
 U.S. Department of Justice
 P.O. Box 683
 Ben Franklin Station
 Washington, D.C. 20044-0683
 Telephone: (202) 307-6484

Attorneys for the United States of America

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re:)	
)	BK-S-09-14814-LBR
THE RHODES COMPANIES, LLC, aka)	Chapter 11
Rhodes Homes, et al.,)	
)	Hearing Date: January 14, 2010
Debtors.)	Time: 9:00 a.m.
)	

REQUEST FOR WAIVER OF FILING DISCOVERY PLAN

1. **Discovery Plan** - The parties request for a waiver of the requirement to prepare and file a formal discovery plan. The parties certify that all discovery can be completed in conformance with the Standard Discovery Plan, and that the matter will be ready for trial within 45 days, provided that informal discovery can be exchanged by January 14, 2010.

2. **Nature of the Case** - The Debtors filed the Debtors' Second Omnibus Objection To Internal Revenue Service Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 on November 17, 2009. At issue in this matter are the following claims filed by the IRS:

1. Claim No. 1, as amended filed in Case No. 09-14818 against Apache Framing, LLC in the amount of \$74,475.36. The liabilities at issue on the proof of claim are employment taxes for the period ending December 31, 2008. The debtor submitted amended employment tax returns to the IRS on November 3, 2009. The IRS is in the process of reviewing the amended returns.

2. Claim No. 7, filed in Case No. 09-14825 against Bravo, Inc. in the amount of \$1,245,683.50. The

1 liabilities at issue on the proof of claim are employment taxes for the last two quarters of the year 2000, all
 2 four quarters of the years 2001 and 2002 and the first two quarters of the year 2003. The United States has
 3 provided the debtor with information with regard to the employment tax liabilities set forth on the proof of
 4 claim and is in the process of providing additional information with regard to the liabilities.

5 3. Claim No. 1, as amended, filed in Case No. 09-14822 against Gung-Ho Concrete LLC in the
 6 amount of \$399.96. The liability at issue is for a penalty that was assessed because the Forms W2 and W3
 7 for the quarter ending December 31, 2005 did not match. The IRS is in the process of providing the debtor
 8 with additional information with regard to the calculation of this penalty.

9 4. Claim No. 23, as amended, filed in Case No. 09-14846 against Rhodes Design and Development
 10 Corporation in the amount of \$5,338.80. The liability at issue is for a penalty due to a late federal
 11 employment tax deposit for the period ending March 31, 2009. The IRS is in the process of providing the
 12 debtor with additional information with regard to the calculation of this penalty.

13 5. Claim No. 10, as amended, filed in Case No. 09-14814 against the Rhodes Companies, LLC in
 14 the amount of \$51.17. The liability at issue is a penalty associated with a federal employment tax deposit
 15 for the period ending December 31, 2007. The IRS is in the process of providing the debtor with additional
 16 information with regard to the calculation of this penalty.

17 3. **July Trials** - A demand for a jury trial has not been made.

18 4. **Additional Pleadings** - There are no counterclaims, cross claims or amendments to the pleadings
 19 expected to be filed.

20 5. **Settlement Conference** - At this time, the parties are cooperatively trying to settle the claims at issue
 21 and are not requesting a settlement conference.

22 6, **Final Pretrial** - The parties request that the omnibus hearing date of February 18, 2010 at 1:30 p.m.
 23 be used as a final pretrial conference to inform the Court what specific issues remain and how much time
 24 is needed for trial.

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7. All parties consent to this Court entering a final judgment.

DANIEL BOGDEN
United States Attorney

/s/ Virginia Cronan Lowe
VIRGINIA CRONAN LOWE
Trial Attorney, Tax Division
U.S. Department of Justice

Attorneys for United States

/s/ Shirley S. Cho
SHIRLEY S. CHO
PACHULSKI STANG ZIEHL & JONES, LLP

Attorneys for Debtors